holding that intrastate freight rates imposed by a state railroad commission may be changed by the Interstate Commerce Commission when they interfere with the proper regulation of interstate commerce, indicates a possible solution of this difficulty.[6]

RECENT CASES

AGENCY — NATURE AND INCIDENTS OF RELATION — FATHER'S LIABILITY FOR TORTS OF SON. — The plaintiff was injured by the negligent running of the defendant's automobile by the defendant's son. The son habitually drove the car with his father's consent, and at the time of the accident was using it entirely for his own pleasure.

Held, that the defendant is liable on the principles of agency. *Davis* v. *Littlefield*, 81 S. E. 487 (S. C.).

Held, that the defendant is liable because an automobile is a dangerous instrumentality. *Hays* v. *Hogan*, 165 S. W. 1125 (Mo.).

Held, that the defendant is not liable. *Heissenbuttel* v. *Meagher*, 162 N. Y. App. Div. 752.

For a discussion of the principles involved, see NOTES, p. 91. See also 2 HARV. L. REV. 734.

AGENCY — PRINCIPAL'S LIABILITY FOR ACTS OF INDEPENDENT CONTRACTOR — LIABILITY FOR EXPLOSIVES. — The defendant hired an independent contractor to load a ship with dynamite. By the negligence of a servant of the independent contractor, the dynamite exploded, and the plaintiff was injured. *Held*, that the defendant is not liable. *State of Maryland* v. *General Stevedoring Co.*, 213 Fed. 51 (Dist. Ct., Md.).

The general rule that the employer is not liable for the negligence of an independent contractor is not applicable where the work, if done in the ordinary method, would be a nuisance. *Woodman* v. *Metropolitan R. Co.*, 149 Mass. 335, 21 N. E. 482. But the modern necessity for the manufacture and transportation of explosives has led the courts to refuse to impose absolute liability of this sort on the handlers of explosives. *The Ingrid*, 195 Fed. 596. The employer may also be held when the work undertaken by the independent contractor is inherently or intrinsically dangerous. *Doll* v. *Ribetti*, 203 Fed. 593; *Bower* v. *Peate*, L. R. 1 Q. B. D. 321. But the work must be so dangerous that injury probably will, and not merely may, result to third persons unless precautions are taken. *Davis* v. *Whiting & Son Co.*, 201 Mass. 91, 87 N. E. 199; *Bibb's Adm'r* v. *Norfolk & Western R. Co.*, 87 Va. 711, 725, 14 S. E. 163, 168. So if the danger lies solely in the possibility of some one doing an indefinite number of careless acts, the work will not be deemed intrinsically perilous. *Davis* v. *Whiting & Son Co.*, *supra*; *Engel* v. *Eureka Club*, 137 N. Y. 100, 32 N. E. 1052. Whether the transportation of dynamite is inherently dangerous is a question of some nicety, and the court was doubtless guided by a consideration of modern expediency, as well as by scientific facts, in concluding that it is not.

ASSAULT AND BATTERY — CIVIL LIABILITY — DEFENSES: CONSENT OF VICTIM OF STATUTORY RAPE. — To have carnal knowledge of a female less than sixteen years of age, not the wife of the perpetrator, was made rape by statute. COMP. LAWS, OKLA. (1909), § 2414; LORD'S OREGON LAWS, § 1912.

[6] The railroads in official classification territory have already filed with the Commission new tariffs increasing interstate passenger fares.